IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Con.Case(C).No. 1607 of 2006(S)

(JUDGEMEN IN WPC.36392/2002 Dated 22/10/2003)

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PETITIONERS:-

1. RAMACHANDRAN ASAN, AGED 54,
SON OF SANKARA PILLAI, SANKARA VILASOM
BUNGLOW, KOTTAPPURATH CHERRY, PARAVUR,
KOLLAM DISTRICT.

2. MEENAKSHI AMMA, AGED 50 YEARS, W/O.RAMACHANDRAN ASAN,
SANKARA VILASOM BUNGLOW,
KOTTAPPURATH CHERRY, PARAVUR, KOLLAM DISTRICT.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH

RESPONDENTS:

1. MR.RAJENDRAN NAIR, (AGE AND FATHER'S NAME
NOT KNOWN TO THE PETITIONER) SECRETARY, PARAVUR
MUNICIPALITY, OFFICE OF THE MUNICIPAL COUNCIL,
PARAVUR, KOLLAM.

2. MR.K.PURUSHOTAM KURUP, AGED ABOUT 54,
S/O.KRISHNA PILLAI, CHAIRMAN, PARAVUR MUNICIPALITY
OFFICE OF THE MUNICIPAL COUNCIL, PARAVUR,
KOLLAM.

3. T.K.JOSE, (AGE & FATHER'S NAME NOT KNOWN TO
PETITIONER) GOVERNMENT SECRETARY,
LOCAL SELF GOVERNMENT (D) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R2 BY ADV.SRI.B.SURESH KUMAR
R3 BY GOVT.PLEADER SMT.T.B.RAMANI

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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CONT. CASE (C) No.1607 OF 2006

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DATED THIS THE 12TH FEBRUARY, 2007

J U D G M E N T

Mr.B.Sureshkumar, counsel for respondents 1 and 2 submits that it was without noticing the directions in Annexure-A1 judgment that the Municipality requested the Government for permission to invoke the emergency provisions under the Land Acquisition Act. In fact, such a course became necessary for complying with the directions in another judgment passed by this Court. But now that it is revealed that invocation of the emergency provisions for acquiring the property of the petitioner will be illegal in terms of Annexure-A1, the Municipality has already written to the Government to recall the permission already granted for invocation of the emergency provisions for acquiring the petitioner's property. I record the above submissions and close the Contempt of Court Case. It is made clear that it will be open to the respondents to initiate proceedings for acquisition under the ordinary provisions of the Act.

(PIUS C. KURIAKOSE, JUDGE)

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